IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 670 of 2001 (S/S)
Old no. 33793/98

Sri Hari Ram Tamta …… Petitioner

Versus

State of U.P. & others …… Respondents

Mr. P.S. Adhikari / Mr. B.S. Adhikari, learned counsel for the petitioner.
M. Nand Prasad, learned Standing Counsel for the State.

Hon'ble P.C. Verma, A.C.J.

This writ petition has been filed by the petitioner seeking a writ of mandamus to command the respondent No. 4 not to interfere in the peaceful functioning of the petitioner as Supervisor Kanoongo and further a writ of certiorari is prayed for quashing the reversion order dated 18.6.1998 passed by respondent No. 4.

Heard Mr. P.S. Adhikari, learned counsel for the petitioner and Mr. Nand Prasad, learned Standing Counsel for the State.

Petitioner was initially appointed as Trainee Patwari by respondent No. 4 vide order dated 28.6.1969. Petitioner was confirmed on the post of Patwari vide letter dated 10.1.1989. Thereafter, the petitioner was promoted to the post of Supervisor Kanoongo by respondent No. 4 and he is working till date on the post of Supervisor Kanoongo, but he is not being paid the salary of the said post.

A Counter affidavit has been filed in which it has been stated that the petitioner was appointed only for 90 days, but nowhere it has been denied that the petitioner is working till dater on the post of Supervisor Kanoongo. Therefore, in view of the Fundamental Rule 22

B, petitioner is entitled for payment of salary of the higher post of Supervisor Kanoongo.

Therefore, respondents are directed to pay the salary to the petitioner on the post of Supervisor Kanoongo including the arrears of salary in view of the Fundamental Rule 22 B.

With the aforesaid observations, the writ petition is disposed of finally. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 26.06.2004
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